IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 17TH JULY 2006 / 26TH ASHADHA,1928

Bail Appl..No. 3601 of 2006

CRMP.1663/2006 of SESSIONS COURT, PALAKKAD
(CRIME NO. 171/2006 OF CHERPULASSERY POLICE STATION)

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PETITIONERS/ACCUSED

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1. JINESH, 23 YRS, S/O. BHASKARAN,
THONNORKKARA HOUSE, NEDUPUZHA, THRISSUR.

2. ABBID, 21 YRS, S/O. MOHAMMEDALI,
RAYAMMARAKKAR VEETTIL, KOORKKANCHERRY,
THRISSUR.

3. BINOY C.P., AGED 24, S/O. PAULOSE,
CHITTAPARAMBIL HOUSE, VADOOKKARA, THRISSUR.

4. DEEPU, 21 YRS, S/O. SWAMINATHAN,
CHOVOOKKARAN, MUNDOOR, THRISSUR.

5. SOJAN A.R., AGED 24, S/O. BABU,
ARAKKAL HOUSE, LALOOR, THRISSUR.

6. ANIL, 24 YEARS, S/O. VARGHEESE,
CHOORAN HOUSE, LALOOR, S.N.PARK,
THRISSUR.

BY ADV. SRI.SHEJI P.ABRAHAM

RESPONDENTS:

STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.3601/2006

DATED THIS THE 17TH DAY OF JULY, 2006

O R D E R

The petitioners 1 to 6 are accused, in crime No.171/2006 of Cherpulassery Police station. They are accused of the offence punishable under Section 395 IPC. The allegation is that on 27.4.2006 at about 7.45 p.m., while the defacto complainant and his son were returning to their home, after closing their jewellery shop, the petitioners, who were travelling in a maruthi car, intercepted them and robbed of them the jewellery, mobile phones and cash of rupees ten thousand. Thereafter, they escaped in their car. The petitioners 1 to 4, accused 1 to 4 were arrested on 27.4.2006. The petitioners 5 and 6, the accused 5 and 6, surrendered before the Court, on 4.5.2006. They are in judicial custody. Accused 4 and 5 could not be interrogated and therefore, their fingerprint impressions could not be collected, submits the prosecutor. The investigation is nearing progress. Test

Identification parade was also conducted. In such circumstances, I am of the opinion that the petitioners can be released, but with strict conditions, considering the severity of the offence, committed by them.

2. In the result, the petition is allowed and I release the petitioners from jail, subject to the following conditions:-

(a). Each petitioner shall execute a bond for Rs.50,000/-, with two solvent sureties each for the like sum, to the satisfaction of the Judicial Magistrate of First Class, Ottappalam.

(b). Each petitioner shall report before the investigating officer, once in a week, on every Friday, between 10.00 a.m and 11.00 a.m., for a period of six months, staring from 21.7.2006.

(c). The petitioners shall not leave the State of Kerala, until the final trial and disposal of the Sessions Case.

(d). The petitioners shall not interfere with the investigation, tamper with the evidence, threaten the witnesses or attempt to influence them or cause any hindrance to the smooth conduct of the prosecution case.

(e). The petitioners 5 and 6, accused 5 and 6 may be interrogated and their fingerprints, collected, as per the law, by the investigating officer.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs